

REMARKS

Claims 1 and 3-8 are pending in the application. Claim 2 is canceled via the present amendment.

35 U.S.C. § 103:

Claims 1, 3-5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekihara et al. (U.S. Pat. No. 6,779,990 [hereafter “Sekihara”]) in view of Appleyard (U.S. Pat. No. 6,491,131). Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekihara in view of Appleyard, and in further view of Ojima et al. (U.S. Pat. No. 6,447,271 [hereinafter “Ojima”]). Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekihara in view of Appleyard, and in further view of Kobayashi et al. (U.S. Pat. No. 5,964,582).

The Examiner acknowledges that Sekihara does not disclose a motor and pump assembly for an electro-hydraulic power steering apparatus. Therefore, the Examiner relies on Applegate. Appleyard is directed to an electric power assisted steering system in which a motor is adapted to provide assistance torque to an output shaft 12 through a worm gear 13 (see Abstract).

As an initial matter, on page 3 of the present Office Action, the Examiner asserts that the bodies of the claims do not explicitly recite features relating to a “power steering apparatus” to distinguish the claims from any device in general that comprises a motor and pump assembly. Thus, Applicant amends the body of claim 1 to refer to the electro-hydraulic power steering apparatus.

Claim 1 is also amended to include the features of claim 2. Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Sekihara in view of Appleyard, and in further view of Ojima. Original claim 2 recited “a control circuit for controlling excitation of the motor, the

control circuit disposed between the motor and the hydraulic pump.” The present specification describes a configuration including a control circuit 3 that controls excitation of a motor 2 and is provided between the motor 2 and a hydraulic pump 4, such that a rotational shaft 16 is made longer from a bearing 9 to the hydraulic pump 4 (see page 9, first paragraph). As noted in the specification, this arrangement could possibly aggravate the concentricity of the rotational shaft 16 and increase a deflection of the rotational shaft. However, elastic bodies (e.g., first and second elastic bodies of claim 1) act to suppress noise caused by the deflection, such that bearing life is increased and noise is reduced. Therefore, a novel and unobvious combination of elements are recited in amended claim 1, which provide beneficial aspects not taught or suggested by the art.

The Examiner relies on Ojima for allegedly disclosing the use of a control circuit for a pump. While Ojima does mention an electric circuit for supplying direct current to the coils 4a and 4b, Ojima *does not* disclose the claimed location of the electric circuit. In fact, Ojima indicates that the electric circuit is not even illustrated (see col. 5, lines 45-49.)

Therefore, even if there were motivation to provide the electric circuit of Ojima into Sekihara (which Applicant does not concede to), a combination including a control circuit disposed *between* a motor and a hydraulic pump, and having the other claimed features, is not taught or suggested, such that the rejection of claim 1 under 35 U.S.C. § 103(a) should be withdrawn. Claims 3-5, 7 and 8 are deemed patentable at least due to their respective dependencies on amended claim 1.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekihara in view of Appleyard, and in further view of Kobayashi et al. (U.S. Pat. No. 5,964,582 [hereafter

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/743,726

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“Kobayashi”]). Kobayashi is applied for allegedly disclosing a body 65 which presses elements 25 or 66. Applicant respectfully submits that the application of Kobayashi fails to make up for the deficient teachings of Sekihara and Appleyard. Further, the combination of features in claim 1 is neither taught nor suggested by a combination of the applied references, such that claim 6 is patentable at least due to its dependency on claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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